



Signed and Filed: November 29, 2021

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
- and -) Chapter 11
PACIFIC GAS AND ELECTRIC COMPANY,) Jointly Administered
Reorganized Debtors.) Date: April 12, 2022
Time: 10:00 AM
☐ Affects PG&E Corporation) www.canb.uscourts.gov/calendars
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)

**Tentative Ruling Regarding Schedule for
Adjudication and Arbitration of Issues**

The court has reviewed the submissions of the parties on the question of whether to have the cost estimate arbitration parallel (or possibly precede) the liability determination, as urged by Fulcrum and Tuscan, or phased, such that the cost estimate would await the liability determination as urged by Debtors.

1 This is a close call, particularly since Debtors argue they
2 will not be "liable for much, if not all, of the costs" (Dkt
3 11627 at 2:12). Still, the sequence proposed by Debtors is
4 preferable, largely because of the narrow scope of the
5 arbitration and possible waste of resources of the parties and
6 the arbitrator if the court's determination is dispositive.

7 Had there not been an arbitration provision, it is clear
8 that all of the liability and damage issues would likely have
9 been tried together. That is not an option, so the court
10 chooses what it perceives to be the more efficient way to
11 proceed, notwithstanding the time that has gone by since early
12 2019.

13 The proposed schedule (Exhibit A to Dkt 11546) is
14 acceptable. Rather than setting a specific date for motions
15 after the May 31, 2022, deadline, or setting dates for trial,
16 the court will hold a further Scheduling Conference on April 12,
17 2022 at 10:00 AM, after the proposed March 31, 2022 deadline for
18 fact discovery. Before that conference, principal counsel
19 should meet and confer in an attempt to agree upon the days to
20 be reserved for trial, what facts can be agreed upon, and other
21 routine pretrial matters.

22 If Fulcrum/Tuscan accept this tentative ruling, their
23 counsel should advise Debtors' counsel by 5:00 PM on November
24 30, 2021, and if all agree, the hearing set for December 1,
25 2021, at 10:00 AM will be dropped from calendar.

26 **END OF ORDER**
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COURT SERVICE LIST

ECF Recipients